

## **Exhibit B**

**From:** Hank Fellows [mailto:hfellows@fellab.com]  
**Sent:** Thursday, September 30, 2010 6:08 PM  
**To:** Richard Sinkfield  
**Cc:** belias@OMM.com; AFrackman@OMM.com; Greg.Markel@cwt.com;  
robert.wise@davispolk.com; peppermanr@sullcrom.com; aclubok@kirkland.com;  
fraser.hunter@wilmerhale.com; blfriedman@proskauer.com; John E. Floyd; Steven J.  
Rosenwasser; Nicole G. Iannarone; jwc@csj-law.com  
**Subject:** Re: TASER/Morgan Stanley

Counsel:

Thank you for your e-mail. I will await direction from Senior U.S. District Judge Forrester or whichever U.S. District Judge presides over the case.



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On 9/30/10 5:36 PM, "Richard Sinkfield" <[RSinkfield@rh-law.com](mailto:RSinkfield@rh-law.com)> wrote:

Hank,

Thank you for your e-mail of earlier this afternoon.

I was writing this e-mail when I received your e-mail, but decided to send it in any event to clarify the Defendants' position in light of Mr. Rosenwasser's earlier e-mail to you.

1. Defendants recommended and consented to your appointment as Special Master following Judge Porter's statement in open court that she had decided to refer the discovery motions in this matter to a special master.
2. Defendants agree and understand that 28 USC § 1450 provides that orders entered in the court of initial jurisdiction remain in force and effect until and unless modified by the district court to which the case is removed. Defendants, of course, understand that to include the order appointing the Special Master.
3. Defendants indicated in the call with you earlier and today in a call with Mr. Rosenwasser that we should promptly inform the Court of the status of this case, including the Order Appointing Special Master, so that we may get appropriate directions and guidance as to how this Court wishes the matter to proceed.
4. Defendants believe it is appropriate to extend current discovery and other deadlines for a brief period sufficient for the parties to have a 26(f) conference and to seek guidance from the Court. That was the purpose of the call among counsel today. To that end, some progress was made.
5. This matter is presently assigned to Judge Forrester. As you know from your own experience, he has his own views about discovery, discovery motion practice, and other matters in his Court. Defendants' suggestions of the above procedure and process were made in recognition and deference to that Court's authority.
6. Defendants state that no other inference is intended nor should any such other inference or conclusion be urged or drawn from Defendants' recommended process.
7. We will keep you advised through joint communications with Plaintiffs' counsel, or separately where joint communications are not agreed upon.

Thanks.

**Richard H. Sinkfield**

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